

STATE OF MICHIGAN

BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. WENDY COOLEY
Judge, 36TH District Court
Detroit, Michigan 48226

FORMAL COMPLAINT NO. 64

COMPLAINT

Pursuant to MCR 9.208(A), the Judicial Tenure Commission of the State of Michigan (“Commission”) files this Complaint against the Hon. Wendy Cooley (“Respondent”). Respondent is now and was at all material times a judge of the 36th District Court. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 et seq. The filing of this Complaint has been authorized and directed by resolution of the Commission.

Based upon the following, Respondent is either suffering from a mental disability which significantly interferes with her capacity to perform her judicial duties, or is guilty of judicial misconduct by feigning such a disability to obtain an extended paid medical leave from her duties as a 36th District Court judge:

(1) Respondent took substantial medical leave in 1998. As of December 23, 1998, due to an alleged psychiatric disorder, Respondent ceased performing her judicial duties as a 36th District Court judge and went on a full-time medial leave, from which she has never returned.

(2) Respondent is authentically depressed; unable to perform her duties because of the intensity of her depression, inability to concentrate and inability to understand the proceedings before her; indefinitely cognitively impaired; totally and permanently disabled; and suffering from a mental disability which significantly interferes with the capacity to perform her judicial duties within the context of MCR 9.205(D).

(3) Alternatively, if in fact she is not authentically depressed, Respondent has been malingering and manufactured paranoid delusional ideation to avoid fulfilling her judicial responsibilities. If she is indeed malingering and has manufactured paranoid delusional ideation, Respondent's conduct constitutes:

- a. Misconduct in office, as defined by Article 6, § 30 of the Michigan Constitution of 1963, as amended, and MCR 9.205;
- b. Conduct clearly prejudicial to the administration of justice, as defined by Article 6, § 30 of the Michigan Constitution of 1963, as amended, and MCR 9.205;
- c. Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, in violation of the Code of Judicial Conduct, Canon 1;
- d. Conduct involving impropriety and the appearance of impropriety, thereby eroding the public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- e. Failure to respect and observe the law and to conduct herself at all times in a manner which would enhance the public's confidence in the integrity and impartiality of the judiciary, as required by the Code of Judicial Conduct, Canon 2B and Canon 3A(1);

- f. Conduct clearly prejudicial to the administration of justice, contrary to MCR 9.205(C)(4); and
- g. Conduct violative of relevant portions of MCR 9.104, in that such conduct:
 - i) is prejudicial to the administration of justice;
 - ii) exposes the legal profession or the courts to obloquy, contempt, censure or reproach;
 - iii) is contrary to justice, ethics, honesty or good morals; and
 - iv) violates the standards or rules of professional responsibility adopted by the Supreme Court.

Pursuant to MCR 9.209, Respondent is advised that an original verified Answer to the foregoing Complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the Complaint. Such Answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all facts and circumstances pertaining to Respondent's alleged mental disability or misconduct. Any willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the Complaint.

MICHIGAN JUDICIAL
TENURE COMMISSION

BY: _____
Allan D. Sobel (P 40872)
Examiner
211 West Fort Street, Suite 1410
Detroit, Michigan 48226

DATED: November 17, 1999